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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,637	01/13/2004	Daniel Kwoh	50843/WWM/E327	4667

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EXAMINER

NELSON, FREDA ANN

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,637

Applicant(s)

KWOH, DANIEL

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This is in response to a communication filed June 13, 2005 wherein:

The applicant has amended claims 1, 3-5, 10-14, 16-19, and 22-31;

Claims 1-2, 4-6, 10, 13-16, and 21-23;

Claims 7-9 and 19 have been canceled;

No claims have been added; and

Claims 1-6, 10-18, and 20-23 are pending.

Response to Amendment and Argument

Applicant's arguments with respect to claims 1-6, 10-18, and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaehn et al. (US PG Pub 2003/0125994) in view of Tuzhilin et al. (US Pg Pub. 2004/0103092).
2. In claims 1-2, Jaehn et al disclose an interactive interface for displaying data regarding a number of different travel related products wherein "products" may encompass services as well as tangible goods (paragraph 0002). Jaehn et al. further disclose that in FIG. 6, the selection parameter represented by the

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horizontal axis is the hotel rating wherein services often rate hotels according to a 1-5 star (*-*****) scale, with one star (*) hotels receiving the least desirable hotels and five star hotels (*****) receiving the most desirable (paragraph 0035). Jaehn et al. still further disclose that some of the influencing factors for selecting an airline flight are the cost, the flight times, the origin and the destination of the flight, the airline, and the number of stops en-route while hotels may be selected based on their location relative to a particular point of interest, the hotel rating (*, **, ***, etc.), the type of room desired (suite, beach front, smoking, etc.), and the room rate (paragraph 0007). Jaehn et al. still further disclose that a method is provided for displaying pricing data for a number of travel related products wherein the pricing data correspond to prices for the travel related products with which each matrix is associated, and for products which meet product criteria established by the first and second parameter values of each row and column in which each cell is located (paragraph 0011).

Jaehn et al does not disclose calculating a cruise rating based on the pricing data, the one or more price affecting factors, and the one or more correlation coefficients. Tuzhilin et al. disclose that certain customer's preferences for vacation packages may be dependent on the current time of the year or the time of the year that the vacation package is being offered because such a customer may prefer to vacation in the Caribbean in the winter, but not in the summer, or that the Caribbean vacation is only being offered at a low rate in the summer (paragraph 0006). Tuzhilin et al. further disclose that when utilized for the users/items example, the collaborative technique can fill-in a ratings diagram 250 (i.e., users vs. items matrix) by estimating a rating $r(u, i)$ which can preferably be performed by locating n users $[u.sub.j]$ who are "similar" to users $[u]$, and by estimating rating $r(u, i)$ as a function $f(r(u.sub.1, i), r(u.sub.2, i), \dots, r(u.sub.n, i))$, where f can be any extrapolation function known to a person having ordinary skill in the art (e.g., an averaging function); and the similarity distance between users can be computed with the techniques known to persons with ordinary skills in the art, e.g. as a correlation coefficient between two rating vectors (paragraph 0049). Tuzhilin et al. still further disclose that FIG. 4 is an exemplary diagram in which content-based and collaborative-filtering approaches are both used by the system and method of the present invention for providing recommendations/suggestions and to calculate/estimate ratings (paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to that modify the invention of Jaehn et al. to include the feature of Tuzhilin et al. in order to provide, recommend, accommodate and facilitate travel being made by all modes of transportation.

3. Claim 3 and 16-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaehn et al. in view of Tuzhilin et al. (US Pg Pub. 2004/0103092), still in further view of Laufer (US PG Pub 2004/0006507).

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4. In claim 3, Jaehn et al. does not disclose that the predetermined time for rating a cruise based on pricing data for the cruise is at least one year. Laufer discloses that the hotel/timeshare facility may be land-based or may be sea or air-based as well (paragraph 0049). Laufer et al. further disclose that "Hotel" as defined herein thus may include a cruise-ship or airline selling cabins or seats for specific cruises or flights (paragraph 0016). Laufer discloses that the peak period timeshares may include the right to use during intervals and may be valid for at least three years (paragraph 0016). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the method of Jaehn et al. to include the predetermined time period time of at least one year disclosed in Laufer because the proceeds from early sales may be used to finance the facility (US PG Pub 2004/0006507; paragraph 0038).

5. In claims 16-18 and 20-21, Jaehn et al. disclose that a method is provided for displaying pricing data for a number of travel related products wherein the pricing data correspond to prices for the travel related products with which each matrix is associated, and for products which meet product criteria established by the first and second parameter values of each row and column in which each cell is located (paragraph 0011).

Jaehn et al. does not disclose comparing the cruise being charged with the expected price. Laufer et al. disclose that the anticipated occupancy rates are determined using historical occupancy rate information for the area or for a competitive set of facilities in the area (paragraph 0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interactive system Jaehn to include historical data feature used in Laufer to provide the customer with a way to check prices to make sure that the customer is not being overcharged.

6. Claims 4-6, 10-14 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaehn et al., in view of Tuzhilin et al. (US Pg Pub.

2004/0103092), in further view of Laufer, still in further view of Sprenger et al (US PG Pub 2003/0040946).

7. In claims 4-5, Jaehn et al. disclose that a method is provided for displaying pricing data for a number of travel related products wherein the pricing data correspond to prices for the travel related products with which each matrix is associated, and for products which meet product criteria established by the first and second parameter values of each row and column in which each cell is located (paragraph 0011). Jaehn et al. further disclose that the individual display matrices enable customers to efficiently compare product offerings from various

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suppliers in each of the various product lines in which the customer is interested (paragraph 0021).

Jaehn et al. does not disclose identifying one or more additional correlation between the pricing data and at least one price affecting factor; and calculating a new price if the comparison does not exceed a predetermined value. Sprenger et al. disclose that some activities have elements of other components, for example a cruise includes both travel and lodging (paragraph 0003). Sprenger et al. disclose that if the user has chosen a price or price range (i.e. a budget) before reaching the vacation preferences page (or while providing information to such page), the services shown may be determined as services available based on price. Sprenger et al. further disclose that services that are returned by VPS 26 throughout the development of the travel plan that, when selected, exceed the budget, cause VPS 26 to prompt the user to reconsider (for example, to choose another price range or select another service) (Paragraph 0107). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to the modify the interactive interface of Jaehn et al. to include the price threshold feature of Sprenger et al. to provide the user with a range of options appropriate for the user while giving the user the option to change parameters.

8. In claim 6, Jaehn et al. does not disclose determining the average price index for one or more cruise ships. Sprenger et al. disclose that if user 10 is "middle of the road", the average price (of all the services available) is determined, and options for services are shown in order of increasing variance from the average. Sprenger et al. disclose that once user 10 chooses a value for each of the lodging parameters, user 10 will be able to see the services available meeting the values of the parameters by pressing the "Search" button on the "Lodging Preferences" page. For each available service for lodging, in addition to its name, its specifications (such as type, location and average price per night), and total price for the duration of the stay, are displayed on the "Lodging Selection" screen (as seen in FIG. 6) (Paragraph 0266). Therefore, it would have been obvious to modify the Jaehn et al. system to include the average price index feature of Sprenger et al. in order to provide the customer with different ways of comparing prices.

9. In claim 10 -14, Jaehn et al does not disclose calculating a daily price for each one or more cruise ships; comparing the daily price; and if the comparison exceeds a predetermined value, calculating a price index of each of the one or more cruises. Tuzhilin et al. disclose certain customer's preferences for vacation packages may be dependent on the current time of the year or the time of the year that the vacation package is being offered because such customer may prefer to vacation in the Caribbean in the winter, but not in the summer, or that the Caribbean vacation is only being offered at a low rate in the summer (paragraph 0006). Tuzhilin et al. further disclose that In particular, when utilized for the users/items example, the collaborative technique can fill-in a ratings

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diagram 250 (i.e., users vs. items matrix) by estimating a rating $r(u, i)$ which can preferably be performed by locating n users $[u.sub.i]$ who are "similar" to users $[u]$, and by estimating rating $r(u, i)$ as a function $f(r(u.sub.1, i), r(u.sub.2, i), \dots, r(u.sub.n, i))$, where f can be any extrapolation function known to a person having ordinary skill in the art (e.g., an averaging function); and the similarity distance between users can be computed with the techniques known to persons with ordinary skills in the art, e.g. as a correlation coefficient between two rating vectors (paragraph 0049). Tuzhilin et al. still further disclose that FIG. 4 is an exemplary diagram in which content-based and collaborative-filtering approaches are both used by the system and method of the present invention for providing recommendations/suggestions and to calculate/estimate ratings (paragraph 0026). Sprenger et al. disclose that some activities have elements of other components, for example a cruise includes both travel and lodging (paragraph 0003). Sprenger et al. disclose that if the user has chosen a price or price range (i.e. a budget) before reaching the vacation preferences page (or while providing information to such page), the services shown may be determined as services available based on price. Sprenger et al. further disclose that services that are returned by VPS 26 throughout the development of the travel plan that, when selected, exceed the budget, cause VPS 26 to prompt the user to reconsider (for example, to choose another price range or select another service) (Paragraph 0107). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interactive interface of Jaehn et al. to include the price threshold feature of Sprenger et al. to provide the user with a range of options appropriate for the user while giving the user the option to change parameters.

10. In claims 22-23, Sprenger et al. disclose that some activities have elements of other components, for example a cruise includes both travel and lodging (paragraph 0003). Sprenger et al. disclose that if the user has chosen a price or price range (i.e. a budget) before reaching the vacation preferences page (or while providing information to such page), the services shown may be determined as services available based on price. Sprenger et al. further disclose that services that are returned by VPS 26 throughout the development of the travel plan that, when selected, exceed the budget, cause VPS 26 to prompt the user to reconsider (for example, to choose another price range or select another service) (Paragraph 0107).

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaehn et al., in view of Tuzhilin et al. (US Pg Pub. 2004/0103092), in further view of Laufer, in further view of Sprenger et al (US PG Pub 2003/0040946), still in further view of Walker et al.

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12. In claim 15, Jaehn et al. does not disclose that the predetermined value is a percentage. Walker et al. disclose that if a given CPO includes a customer-defined price of \$140.00, but all other airline-defined restrictions of CPO rule number 45687 are met, a counteroffer should be generated containing a price of \$150.00 since the price variation is within ten percent (10%) of the minimum price associated with CPO rule number 45687, as authorized by counteroffer rule number 45687 col. 17, lines 55-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jaehn et al. to include the percentage feature of Walker et al. in order to provide flexibility in the pricing of cruises.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

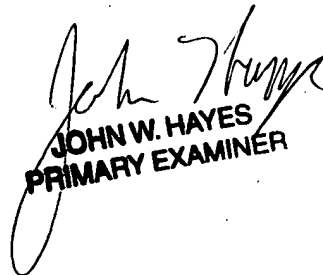
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 08/11/2005



JOHN W. HAYES
PRIMARY EXAMINER